A F *648 *175 577 661

was forbidden to mainland women. The *Kozukai* Shimochi of Akkeshi says:

> Among the Japanese coming to Kunashiri island were some who brought Ezo women and treated them as wives while others committed adultery with the wives and mistresses of the chiefs and Utare. When the Ezo complained, they would become unreasonable and even demand *Tsugunai*. Therefore, nothing was done about this misbehaviour.

A F [584] [579]

There are also incidents of adultery and rape noted in Menashi. After the 1789 incident, when many rebellious natives were questioned, it became apparent that rape and adultery had played an important part in creating the rebellion.[70] Kimura Kenji who wrote his *Hokkō Nikki* [Journal of a trip to the North] during a journey in 1792 describes this situation.

> Sailors on vessels going to Ezo often commit adultery with Ezo women. When the woman told this to her husband he would go to the vessel, seek out the guilty party and demand *Tsugunai*, whereupon small amounts of tobacco would be given to him. When adultery was to be committed for the first time the Japanese would smear his face with charcoal and, closing his eyes, pretend to be blind so that the Ezo would not recognize him later with his face washed and eyes open. However, the Ezo were used to such tactics and were not deceived.

The above shows that such misconduct was carried on as a daily affair.

A [184]

Many examples have been given for the Kunashiri and Menāshi districts. This is because of the material available from these districts and does not mean that this situation did not exist in other parts of the island.

A F [582]

Among the reasons given by the Ezo for the 1789 incident are: if Ezo refused to work they would be poisoned and Japanese would take over their village,[71] or they would be squeezed to death with the oil cake press or boiled to death in a pot,[72] or needles would be set in the floor of a storehouse and the Ezo would be swung over the floor on a hanging platform on which they would all be obliged to get drunk whereupon the platform would be removed and they would be plunged to death.[73] These were all childish threats made by the

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[70] Statements by Ezo in Kunashiri and Menashi in the *Kansei Ezo Ran*. . . .

A F [466]

[71] "When the Ezo laborers showed little enthusiasm for their work, the leading Ezo would be put to death by mixing poison with their food, and new foremen, who the officials thought would be more useful, would be appointed. If orders were neglected, all Ezo were threatened with death by poison after which town halls would be erected and the area turned into a Japanese town by bringing in Japanese from Edo and business would be carried out in their style." (Statement by Shimochi).

[72] "Japanese businessmen making oilcake told the Ezo employed by them to gather firewood and to obey all orders and if they refused to work then all the Ezo, men and women alike, would be squeezed to death with the oil." (Statement by Ezo in Menashi.)

[73] "Since last year three large pots have been set up at different places and the Ezo have been told that each pot was for cooking men, women, and children to death. For a time nothing happened but one day an Ezo women with a child on her back was seized by the Japanese workers and put into a pot. Be-

1:Takakura H-4, 5 (no date) 1960 AB6 Ainu AB6
Feudal Japan AB2

distasteful to the Ezo. For example, in 1801, the problem arose of whether or not to execute the death sentence on the *Otona* Tashanishi of Kushiro who had killed one of his own men. Japanese officials inquired of neighboring chiefs as to whether or not the penalty should be enforced. The opinion of the chiefs was in favor of Tashanishi with the added proviso that if he were executed they would rebel.[51] The magistrate's report listed the actual culprit as Rikinkaru son of Tashanishi who while drunk struck the victim with a deer horn which injury led to the man's death. The offender apologized and requested a reconciliation by offering compensation. This occurred in August, 1799, only a few months after the promulgation of the new laws. The case was settled by Bakufu agents in form of a warning to the offender and an explanation that the new laws had not been in force long enough to be understood. The compensation was rejected as being against Bakufu policy.[52] This incident leads to the conclusion that the enactment of law was a difficult problem.[53]

7. THE ALTERATION OF CUSTOMS

The Bakufu policy was first to appease and then to guide and finally to assimilate. But while guidance of the mind is an ideal policy, obtaining quick results from such a policy is another question. However, native guidance being an urgent matter, Bakufu officials strove to alter native customs and to Japanize the daily pattern of life. Those who desired to change customs were permitted to shave their heads and adopt Japanese hair styles and were given Japanese clothes. Japanese style homes were given to industrious persons and their names were changed to sound as though they were Japanese. The Bakufu abolished the old Matsumae prohibitions against the use of hats in rainy weather, straw rain coats and straw sandals, while on the other hand, the use of earrings and tattooing was prohibited. In this way it was hoped to alter the appearance of the natives so that as much as possible their mode of living would look Japanese. It should be added that agriculture was encouraged in an attempt to make the Ezo live on cereals instead of meat[54] while the traditions of *Mekkakiri*[55] and the bear festival were prohibited.[56]

[51] Mogami Tokunai, Akkeshi Ran moshiage (Report on the rebellion at Akkeshi).

[52] Higashi Ezo Kusuri Basho Otona Tashanishi ikken no gi ni tsuki otazune no omomuki sani kotae moshiage sōrō (Reply to your request for information concerning the incident of Tashanishi the *Otona* of Kusuri Basho in East Ezo), *Kyumei Kōki*, Suppl. 6, *SHS* 5: 786-787.

[53] Takakura Shinichirō, Waga kuni saisho no shokuminchi hosei (The first colonial laws of this country), *Hōritsu Shunjū* 5 (4).

[54] Ezochi Goyoshuii shikaimuki mōshiwatasari sōrō.

[55] According to *Hokkaidō Shi* 1: 475, *Mekkakiri* was a ceremony in which "the relatives of the deceased gathered to weep and to beat with sticks or the blunt side of a sword in an attempt to forget their grief." It is also called *Mekkauchi*. *Mekka* means "the back of a thing" and *Uchi* or *Kiri* probably

[P. 77(A)]

2: Batchelor M-5 (1877-1924) 1927
AB6 Ainu AB6

asserted that they traded with the races living in Eastern Siberia, and with the Kurile and Aleutian Islands and with Kamschatka. They also did much trade by barter with Matsumai. Chief Penri informed me that his ancestors traded with Manchuria. As proof of this he showed me a string of Manchurian cash, the brass bowl of a tobacco pipe, and some brass rings with which the Saghalien Ainu women decorated their belts.

The Ainu community had various methods of punishing offenders, which were regulated by the different misdemeanours committed and the dispositions of the judges and people. They never appear to have favoured the death penalty, since they considered death no punishment at all. Infliction of pain or disgrace only did they consider worthy of the name of punishment, and the more severe the pain the greater the punishment. Tying up with cords and beating was the most common method of punishing offenders, though this was superadded to other kinds in some cases. The mad were sometimes treated in this way.

For breaking into a granary a very sound beating was administered for the first offence, and this was a great disgrace. For the second, sometimes the tip of the nose or the lobes of the ears were cut off and the offender was driven out of the village and boycotted. For breaking the seventh commandment, it used to be the custom to impose fines, or to tie up the hands of the male offender behind his back and then hang him up by the hair of his head with his toes just touching the ground, and give him a whipping. The female was generally allowed to go free in disgrace, though sometimes she came in for a flogging. Single people were generally made to marry.

For murder it was customary to cut the tendons of the feet, thus maiming the culprit for life. The tendons were severed close to the heels. This was a

2: Batchelor M-5 (1877-1924)1927
AB6 Ainu AB6

terrible punishment, for a person thus treated could not possibly do any work or go hunting. He was a burden both to himself and his friends. Many years ago I saw one man who had been thus treated and he had to crawl about on his hands and knees. I have heard also of the very incorrigible being banished to a place they called "The land without trees and birds," which I believe means Siberia. 687

There were also several kinds of ordeal which were applied as punishments on occasion. Thus, 681

(1). *Hot water.* A very large cauldron, such as the Japanese use for boiling fish when they desire to extract the oil, was procured. This was filled with cold water and placed over a big fire. When fairly warm, the victim was popped into it. Here he had to remain till he confessed his crime or till the people thought he had been punished enough.

(2). Another method was to heat water up to boiling point and then make a suspected person thrust his arm into it quickly. If afraid to undergo this test, his guilt was said to be proven. If, however, he thrust his arm into it and received no harm, he was said to be innocent.

(3). *The hot stone.* Sometimes a stone was heated well and the criminal was asked to hold it in the palm of his hand. If he refused, he was considered to be guilty, or, if he took the hot stone and got no harm from it, his innocence was fully established.

(4). *Water drinking.* I was also told that a suspected person or criminal was sometimes made to sit down before a big bowl of cold water and remain there till he had swallowed the whole of it. Indeed, Penri told me that sometimes the man was made to keep his mouth to the bowl till the water was all gone. I should think this would be a particularly severe punishment to some Ainu, for they do not like to drink water, as they are so very fond of whisky. 681 272 273

3: Hitchcock N-5 (1888) 1891 AB6 Ainu AB6

764 [562]

The height of the monuments varies from 3 to 6 feet, and depends upon the age and position of deceased. Monuments for women are plain posts, not so high as those accorded to men.

765

Mourning customs vary greatly in different parts of the island. The period of mourning may last three days, or as many years. This is a subject concerning which little seems to be known. Formerly it was the custom to burn the houses of the dead, but this is no longer done in Yezo.

PUNISHMENTS.

681

In the museum at Sapporo there is a collection of clubs, carved in rough relief, which the Ainos use in punishing wrong-doers. Their punishments are severe, but they do not take life, even for the crime of murder. The murderer is bound to a cross for a week, and, after his release, receives some good advice from the judge, when he again takes his place as an honorable citizen. [682]

The clubs are used for punishing thefts and other crimes. The prisoner is stripped to the waist, and heavy blows are delivered upon the bare back. The Ainos also have certain trials to prove the innocence or guilt of the accused person, such as the trial by hot water, in which a stone must be picked from the bottom of a kettle of boiling water, and the trial by a heated iron, which is supposed not to burn the flesh of one wrongly accused. Mr. Batchelor states that a murderer has his nose and ears cut off, or the tendons of the feet severed. These cruel punishments are undoubtedly old practices no longer in vogue, although one can not speak very confidently as to the cause of their discontinuance, unless it be due to Japanese control. H. von Siebold has supposed, from these old customs that the Ainos were once a savage and warlike people. They may have been so, as one might infer from Japanese tradition, but it seems to me unsafe to make the assumption on the grounds suggested by Von Siebold. Their present character does not sustain it in any way. Sympathy, regard for physical suffering of others, are not early developments in human character. Lingering traces of savage heartlessness and cruelty are still recognized in the practices of our own children. [683] [684]

HUNTING AND FISHING.

224 [136]

Wild animals, as bears, deer, foxes, and many others, abound in the Yezo forests, while the sea yields an abundance of fish of an excellent quality. The Ainos are brave hunters, and they are largely dependent on the chase for their animal food and winter clothing. Their hunting implements, however, are of the rudest description. The bears of Yezo, which are the same as the brown or grizzly bear of North America, are large and dangerous. At certain seasons they do not hesitate to attack man, even entering the dwellings in search of food. These fe-

4: Landor T-5 (ca. 1890) 1893 AB6 Ainu AB6

and I returned to Obishiro. It is not often that one anywhere meets with such simple, straightforward people as these Watanabes. They have lived alone at Obishiro for eight years among savages, but never in my life have I met with more civilised, kind, thoughtful, gentle beings than Watanabe and his wife. As civilisation makes savages bad, I dare say savage life makes civilised people good! I go away carrying with me a deep affection for these gentle strangers, whose kindness to me has made them my friends.

The day came for me to return to the coast. My ponies, probably frightened by bears, broke loose during the night, and one of them ran away; and I was rather in a difficulty as to how I should get back whence I had come. Watanabe, adding kindness to kindness, allowed me to have one of his ponies, and after repeated good-byes I started on my journey back to the coast. About four miles east of Yammakka the Tokachi River receives a large affluent, the Toshibets, or "river of high swamps." The Tunnui Puto is the largest of these swamps, about four miles north of the mouth of the Toshibets. *Tunnui* means a kind of tree, probably the *Quercus dentata*; *puto* or *put* means the mouth of a river. The course of the Toshibets River is almost from due north to south from its source, then for about six or seven miles from north-west to south-east, and, sharply turning again from north to south, continues in this direction winding continually for eighteen or twenty miles, till it throws itself with a large body of water in the Tokachi River. On the southern side of the latter part of the watercourse are found the Ainu villages of Pombets, twenty-two huts; Purokenashpa,[1] three huts; Kenashpa,[2] twelve huts; and Beppo,[3] eleven huts. The characteristics of the natives of these villages and their habitations are similar to those already described at Frishikobets. The journey down was much the same as that coming up. Tobuts, on the north side of the Tokachi, is the largest Ainu village in the district, and has as many as sixty huts. The inhabitants are possessed of a somewhat fiery temper in this particular village, and the day previous to my going through two men were killed in a row.

[1] *Puro*, great; *ke*, I; *nashpa*, deafening noise.
[2] *Ke*, I; *nashpa*, deafening noise.
[3] *Beppo* or *pet put*, at the mouth of a river.

4: Landor T-5 (ca. 1890) 1893 AB6 Ainu AB6

brains in bettering their miserable condition and filthy mode of living. They would have striven to make the beginnings of a history and a literature, or at least to have devised or adopted some mode of writing with which they could preserve these high ideas, and pass them on from generation to generation. Even their language is so poor in words as to hardly express their everyday wants. The Ainu are low in the scale of humanity. They have always been low; they have not sunk, for they have never risen. They have never done any harm in this world, and they will never do any good.

The Ainu are without laws, which, paradoxical as it sounds, to a great extent makes them good. People are never so good as when no harm can be done. There are indeed few crimes among them; no voluntary infanticides; very very rarely murders; no suicides; little theft, and as little treachery among people of the same tribe. Though usually retiring and reserved, they are hospitable on special occasions, and generous with what little they possess. The young show an instinctive reverence for the aged, without considering it a virtue or a duty. Cowardice is despised by the Ainu, but courage, endurance of pain, and hardship, drunkenness, and similar qualities, are looked on as the chief virtues in men. Punishments are seldom inflicted by Ainu on any of their tribesmen, and the crime must indeed be great to raise the whole community against the criminal. If by rare chance some great evil has been done, the chief of the village and all the men assemble, and decide on the punishment to be inflicted. Flogging is the general punishment for the lesser crimes, which, according to Ainu ideas, are theft and assault. The murder of a tribesman is sometimes punished by cutting the tendons of the hands and feet of the murderer, thus disabling him from hunting or fishing. If, however, the man murdered was of another tribe, or a Japanese, this Draconian kind of justice is not administered. Quarrels among tribesmen are settled by private retribution, and no one interferes either one way or the other. These quarrels, however, very seldom occur, as the Ainu are naturally a peaceful people. Imprisonment does not exist, for the simple reason that the Ainu have no prisons. They do not know what a prison is; neither is capital punishment practised by them. According to their own ideas they are not cruel to children, for we